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REMARKS

The Office Action requires restriction between claims 1-17, 22-25 (Group I) and claims 18-21 (Group II). This requirement is respectfully traversed. The Office Action characterizes these groups of claims as being related as process of making and product made; however, Applicants submit that they would be more properly characterized as related as apparatus and method of use because Applicants are not claiming the product made (power), and are instead claiming the power supply (apparatus for making power) and a method of use (method of making power).

In the present case, the Office Action argues that the "product as claimed can be made by another and materially different process, since it may or may not have a combustor and may or may not have a second thermionic device". Applicants point out that both the apparatus claim 1 and the method claim 18 have apparatus-focused limitations such as those pointed out in the Office Action, and note that the apparatus described in claim 18 is clearly narrower than that claimed in claim 1. That, however, does not mean they are directed to different inventions. In this regard, the Examiner's attention is respectfully directed to elected Group I claim 13 as claiming an apparatus of comparable scope to the apparatus limitations of method claim 18, and submit that this claim is more appropriate than claim 1 against which to apply the one-way distinctness test for restriction between an apparatus and its method of use. Applicants point out that neither of the differences cited in the Office Action are applicable to a comparison of claims 13 and 18, and respectfully request that the requirement for restriction be withdrawn.

If there are any charges with respect to this response, or otherwise, please charge them to Deposit Account No. 50-0831.

Respectfully submitted,



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